

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION**

ANTHONY PORTER,)
)
Plaintiff,)
)
v.)
)
CAPE GIRARDEAU COUNTY)
SHERIFF'S OFFICE, et al.,)
)
Defendants.)

MEMORANDUM AND ORDER

This matter is before the Court on the motion (ECF No. 32) to dismiss Plaintiff's first amended complaint filed by Defendants Cape Girardeau County, Captain James P. Mulcahy, Sheriff John Jordan, and Captain Ruth A. Dickerson. The pro se Plaintiff has also moved for the appointment of counsel, and by separate Order, the Court will grant that motion and direct appointed counsel to file an amended complaint.

Accordingly,

IT IS HEREBY ORDERED that the motion to dismiss filed by Defendants Cape Girardeau County, Captain James P. Mulcahy, Sheriff John Jordan, and Captain Ruth A. Dickerson is **DENIED without prejudice** to reconsideration should Plaintiff's appointed counsel fail to timely file an amended complaint. ECF No. 32.

Audrey G. Fleissig
AUDREY G. FLEISSIG
UNITED STATES DISTRICT JUDGE

Dated this 29th day of May, 2019.